

10/540991

IN THE UNITED STATES RECEIVING OFFICE

Applicant : Fraser Harvie et al.  
 Serial No. : 10/540,991  
 Filed : June 28, 2005  
 Title : SURGICAL PROCEDURES AND INSTRUMENTS

**MAIL STOP PCT**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

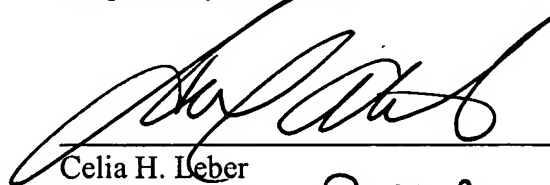
In response to the Notification of Missing Requirements mailed October 17, 2005 (copy enclosed), Applicant as a large entity submits herewith the following:

- ☒ Payment of the surcharge of \$130 for late filing of the declaration; and
- ☒ A Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 00167-490US1.

Respectfully submitted,

Date: December 14, 2005

  
 Celia H. Leber

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12/22/2005 MKAYPAGH 00000109 10540991

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CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 664060343 US

December 14, 2005

Date of Deposit



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/540,991	Fraser Harvie	00167-490US1

INTERNATIONAL APPLICATION NO.	
PCT/US03/41853	

I.A. FILING DATE	PRIORITY DATE
12/30/2003	12/31/2002

26161  
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CONFIRMATION NO. 9555  
 371 FORMALITIES LETTER

\*OC000000017264504\*

Date Mailed: 10/17/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/28/2005
- Copy of the International Search Report filed on 06/28/2005
- Copy of IPE Report filed on 06/28/2005
- Preliminary Amendments filed on 06/28/2005
- Information Disclosure Statements filed on 07/25/2005
- U.S. Basic National Fees filed on 06/28/2005
- Priority Documents filed on 06/28/2005
- Specification filed on 06/28/2005
- Claims filed on 06/28/2005
- Drawings filed on 06/28/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

**BEST AVAILABLE COPY**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

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**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/540,991	PCT/US03/41853	00167-490US1

FORM PCT/DO/EO/905 (371 Formalities Notice)

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